THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No. 23661 of 1995

Dated: 25.09.2006

Between:

M. Shanker

… Petitioner

AND

The Senior Manager (Operations),
APSRTC, Medak District & another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No. 23661 of 1995

ORDER:-

The petitioner, who is a driver in the respondents organization, was removed from service for his alleged unauthorized absence from duties from 14.12.1994 to 24.12.1994, after holding departmental proceedings. The order of removal passed by the 2nd respondent was in fact questioned by filing an appeal, dated 16.10.1995, to the 1st respondent and this fact has been categorically mentioned by the petitioner in his affidavit filed in support of the writ petition.

In WPMP.No.2908 of 1995, this Court granted interim suspension of the order of removal passed by the 1st respondent and as a result the petitioner is continued in service till date.

Having regard to the fact that the petitioner already availed statutory remedy of appeal, I am of the view that he cannot pursue the present writ petition.

It is always open to the petitioner to approach this Court in the event he is aggrieved by the orders that may be passed in the appeal, which is admittedly pending before the 2nd respondent. In view of this, I am not inclined to dispose of the writ petition on merits and the petitioner is accordingly relegated to the 2nd respondent to pursue his

appeal pending before him.

However, in view of the fact that the petitioner is continued on the strength of the interim directions granted by this Court, which are subsisting for the last eleven years, I deem it just and proper to direct the continuation of the petitioner in service till the disposal of the appeal by the 2nd respondent.

The writ petition is accordingly disposed of. No order as to costs.

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C.V. NAGARJUNA REDDY, J

Date: 25.09.2006
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